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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/849,826	05/04/2001	Mark C. Smith	13220.011001;P5846	2259
32615	7590	09/22/2004	EXAMINER	
OSHA & MAY L.L.P./SUN 1221 MCKINNEY, SUITE 2800 HOUSTON, TX 77010			PHAN, TAM T	
			ART UNIT	PAPER NUMBER
			2144	

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/849,826

Applicant(s)

SMITH ET AL.

Examiner

Tam (Jenny) Phan

Art Unit

2144

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) 11-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 16-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-29 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 May 2001 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 05/04/2001.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

1. This application has been examined. Claims 1-29 are presented for examination.

Election/Restrictions

2. Restriction to one of the following invention is required under 35 U.S.C. 121:
 - I. Claims 1-10, 16-29 are drawn to a multi-computer synchronizing method and classified in class 709, subclass 248.
 - II. Claims 11-15 are drawn to a database maintenance method and classified in class 707, subclass 200.
3. The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility, usable alone, such as the ability to synchronize or replicate data in a distributed computer system. Invention II has separate utility, usable alone, such as the ability to provide database maintenance by adding, deleting, or modifying the database. See MPEP § 806.05(d)
4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, and the search required for Group II is not required for Group I, restriction for examination purposes as indicated is proper.
5. During a telephone conversation with Mr. Robert Lord (Reg. No. 46,479) on 09/16/2004, a provisional election was made **without traverse** to prosecute the invention of Group I, claims 1-10 and 16-29. Affirmation of this election must be made by applicant in replying to this Office

action. Claims 11-15 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

6. Examiner is appreciative of the courtesy shown by the Attorney and the Applicant in discussions of this restriction requirement.

Priority

7. No priority claims have been made.

8. The effective filing date for the subject matter defined in the pending claims in this application is 05/04/2001.

Information Disclosure Statement

9. An initialed and dated copy of Applicant's IDS form 1449, Paper No. 05/04/2001, is attached to the instant Office action.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1-10, 16-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lim et al. (U.S. Patent Number 5,873,096), hereinafter referred to as Lim, in view of Fenger et al. (U.S. Patent Number 6,751,659), hereinafter referred to as Fenger.

12. Lim disclosed a method of fractional [partial] replication in a directory server, comprising determining a fractional portion of an entry stored on a primary server using a replication agreement; and replicating the fractional portion from the primary server to a replica

server creating a fractional replica (Title, Abstract, column 3 line 62-column 4 line 9, column 4 lines 43-63, column 11 lines 20-29).

13. Lim taught the invention substantially as claimed. However, Lim did not expressly teach and connecting a client computer to the fractional replica wherein the client computer has knowledge of only the fractional replica.

14. Lim suggested exploration of art and/or provided a reason to modify the fractional replication method with the step of connecting a client computer to the fractional replica wherein the client computer has knowledge of only the fractional replica (column 1 lines 50-58).

15. Fenger disclosed a selective replication method having a step of connecting a client computer to the fractional replica wherein the client computer has knowledge of only the fractional replica (Figure 1, column 3 lines 3-13).

16. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the fractional replication of Lim with the teachings of Fenger to include a step of connecting a client computer to the fractional replica wherein the client computer has knowledge of only the fractional replica in order to allow the client computer to access only relevant data (Fenger, column 3 lines 3-13) and to reduce the amount of required data storage (Lim, column 1 lines 65-67) since users may only need to refer to a portion of the data and thus they have no need for the rest of the data (Lim, column 1 lines 61-65).

17. Regarding claim 2, Lim disclosed a method further comprising using a query rule to govern responses to questions in the absence of entries on the replica server (column 5 lines 6-20, column 10 lines 36-49, column 11 lines 6-29).

18. Regarding claim 3, Lim disclosed a method further comprising using a query rule to govern responses to questions in the absence of attributes of the entry on the replica server (column 5 lines 6-20, column 10 lines 36-49, column 11 lines 6-29).

19. Regarding claim 4, Lim disclosed a method further comprising updating the fractional portion using a plurality of change types stored in a change record in a database (column 8 lines 28-64, column 11 lines 20-29).

20. Regarding claim 5, Lim disclosed a method wherein an entry filtering rule database is stored in the replication agreement (column 4 lines 43-62, column 5 lines 6-21, column 14-34).

21. Regarding claim 6, Fenger disclosed a method wherein the replication agreement comprises a list of replicated attribute types held in an element (column 4 line 52-column 4 line 9).

22. Regarding claim 7, Fenger disclosed a method wherein the element is empty and all attributes of the entry are to be replicated (Figure 1, column 4 line 52-column 5 line 36).

23. Regarding claim 8, Fenger disclosed a method wherein the list of replicated attribute types comprises an include list (column 4 line 52-column 4 line 9).

24. Regarding claim 9, Fenger disclosed a method wherein the list of replicated attribute types comprises an exclude list (column 3 lines 3-31, column 4 line 52-column 4 line 9).

25. Regarding claim 10, Lim and Fenger combined disclose a method of fractional replication in a directory server, comprising: determining a fractional portion of an entry stored on a primary server using a replication agreement; replicating the fractional portion from the primary server to a replica server creating a fractional replica; using a query rule to govern responses to questions in the absence of entries on the replica server; using a query rule to

govern responses to questions in the absence of attributes of the entry on the replica server; updating the fractional portion using a plurality of change types stored in a change record in a database; and connecting a client computer to the fractional replica; wherein the client computer has knowledge of only the fractional replica (Lim, Title, Abstract, column 3 line 62-column 4 line 9, column 4 lines 43-63, column 5 lines 6-20, column 8 lines 28-64, column 10 lines 36-49, column 11 lines 6-29; Fenger, Figure 1, column 3 lines 3-13).

26. Regarding claims 16-23, the directory server system corresponds directly to the method of claims 1-9, and thus these claims are rejected using the same rationale.

27. Regarding claims 25-28, the directory server system corresponds directly to the method of claims 1-4, and thus these claims are rejected using the same rationale.

28. Regarding claims 24 and 29, the directory server system corresponds directly to the method of claims 10, and thus these claims are rejected using the same rationale.

29. Since all the limitations of the claimed invention were disclosed by the combination of Lim and Fenger, claims 1-10 and 16-29 are rejected.

Conclusion

30. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Sherman et al. (U.S. Patent Number 6,505,214) titled "Selective information synchronization based on implicit user designation" disclosed a device and method for synchronizing information between computer systems. Certain subsets of information may be synchronized, while excluding other information from the synchronization process. Certain information can be "synchronized" between the companion device and the user's primary computer to maintain data coherence between the two systems. Synchronization involves an electronic comparison and correlation of data between the companion device and the primary computer (such as a server or personal computer) to maintain data uniformity on both systems. The ability to synchronize changes on any or

all systems makes portable computing devices powerful tools in the quest for immediate and accurate information access.

b. Shanumgam et al. (U.S. Patent Number 6,708,787) titled "Method for selective LDAP database synchronization" disclosed a unified policy management system for an organization including a central policy server and remotely situated policy enforcers. The central policy server includes a central database storing configuration information for the remotely situated policy enforcers. Each policy enforcer includes a policy enforcer database storing a portion of the configuration information associated with the policy enforcer. Changes in the policy settings made at the central policy server are stored in a log for later processing and sending to the appropriate policy enforcers. Upon receipt of the change information, each receiving policy enforcer updates the portion of its policy enforcer database affected by the change. Relevant portions of the configuration information are transferred to subordinate databases associated with each of the edge devices. Each edge device may then manage policies for a network in the organization according to the configuration information in its database

31. Refer to the enclosed PTO-892 for details and complete listing of other pertinent prior art of record.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tam (Jenny) Phan whose telephone number is (703) 305-4665 or (571) 272-3930 (new telephone number after October 2004). The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski can be reached on 703-308-3873. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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September 18, 2004



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